

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

TOBBUSHA DURANT PRATT,

Case No. 1:21-cv-01608-NONE-SKO

Plaintiff,

v.

**ORDER TO SHOW CAUSE WHY THE  
ACTION SHOULD NOT BE DISMISSED  
FOR PLAINTIFF'S FAILURE TO  
COMPLY WITH THE COURT'S ORDER  
AND FOR FAILURE TO PROSECUTE**

HERLINDA YANDEZ, et al.,

(Doc. 3)

Defendants.

**21-DAY DEADLINE**

Plaintiff Tobbusha Durant Pratt, a prisoner proceeding *pro se*, filed a complaint on November 4, 2021, along with a "Fee Waiver Request." (Docs. 1, 2.) On November 8, 2021, the Court advised Plaintiff that the "Fee Waiver Request" does not comply with the specific informational requirements for affidavits submitted pursuant to 28 U.S.C. § 1915(a)(1) and directed Plaintiff to either pay the \$402.00 filing fee or file an application to proceed in forma pauperis by no later than thirty days from the date of service of the Court's order. (Doc. 3.) To date, Plaintiff has not complied with the Court's November 8, 2021 Order. (*See* Docket.)

The Local Rules of the United States District Court for the Eastern District of California, corresponding with Rule 11 of the Federal Rules of Civil Procedure, provide, "[f]ailure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the

1 Court of any and all sanctions . . . within the inherent power of the Court.” E.D. Cal. L.R. 110.  
2 “District courts have inherent power to control their dockets,” and in exercising that power, a court  
3 may impose sanctions, including dismissal of an action. *Thompson v. Housing Authority of Los*  
4 *Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice, based  
5 on a party’s failure to prosecute an action or failure to obey a court order, or failure to comply with  
6 local rules. *See, e.g., Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for  
7 failure to comply with an order requiring amendment of complaint); *Malone v. U.S. Postal Service*,  
8 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order); *Henderson*  
9 *v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply  
10 with local rules).

11 **Accordingly, Plaintiff is ORDERED to show cause within twenty-one (21) days of the**  
12 **date of service of this Order why the action should not be dismissed for his failure comply with**  
13 **the Court’s November 8, 2021 Order and for his failure to prosecute this action.** Alternatively,  
14 within that same time, Plaintiff may either file an application to proceed in forma pauperis by a  
15 prisoner, **a copy of which is attached to this Order**, or pay the \$402.00 filing fee for this action.  
16 Plaintiff is CAUTIONED that, if he fails to take action within twenty-one (21) days of the date of  
17 service of this Order, the undersigned will recommend to the presiding district court judge that this  
18 action be dismissed, in its entirety.

19  
20 IT IS SO ORDERED.

21 Dated: **December 21, 2021**

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE